

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Erling A. Hass,

Civil File No.: _____

Plaintiff,

v.

**NOTICE OF REMOVAL TO
FEDERAL COURT**

Northern Tier Retail, LLC d/b/a
Speedway,

Defendant.

TO: THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA; AND PLAINTIFF ABOVE NAMED AND HIS ATTORNEY, CRISTINA M. WIRTH, BYE, GOFF & ROHDE, LTD., 258 RIVERSIDE DRIVE, BOX 167, RIVER FALLS, WI 54022:

NOTICE OF REMOVAL OF CIVIL ACTION

Please take notice that pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, and for the reasons described more fully below, Defendant Northern Tier Retail, LLC d/b/a Speedway (“Speedway”), by and through its attorneys, Bassford Remele, P.A., removes this action from Minnesota District Court, Tenth Judicial District, Wright County, to the United States District Court for the District of Minnesota.

PROCEDURAL HISTORY

1. The removed action, captioned *Erling A. Hass v. Northern Tier Retail, LLC d/b/a Speedway*, was commenced by the service of a Summons and Complaint via United States Mail on May 12, 2022, which was received by Defendant’s counsel on May 16, 2022. A true and correct copy of the Summons and Complaint is attached hereto as **Exhibit A**.

2. On June 6, 2022, Defendant Speedway served upon Plaintiff an Answer to Plaintiff's Complaint. A true and correct copy of Speedway's Answer is attached hereto as **Exhibit B**.

3. Defendant Speedway also filed its Answer to Plaintiff's Complaint in Minnesota State District Court, County of Washington. The Court File Number for the Minnesota State District Court matter is 86-CV-22-2776.

4. On information and belief, **Exhibits A and B** constitute all process, pleadings, and orders in this Action.

5. Removal is proper under 28 U.S.C. § 1332 because there is complete diversity of parties and the amount in controversy is in excess of \$75,000.00.

REMOVAL IS TIMELY

6. Speedway's removal is timely under 28 U.S.C. § 1446(b), as it is being filed within 30 days after service of the Summons and Complaint on Speedway, from which it was ascertained that the case is removable.

7. Concurrent with the filing of this Notice, Speedway is serving this Notice of Removal upon Plaintiff's counsel and filing a copy of this Notice of Removal in the State of Minnesota District Court, Tenth Judicial District, County of Wright, to the United States District Court for the District of Minnesota, pursuant to 28 U.S.C. § 1446(d). A Disclosure of Corporate Interests Form is also being filed.

VENUE

8. The Summons and Complaint identify the Tenth Judicial District Court (Wright County) as the anticipated venue.

9. Venue is proper in the United States District Court for the District of Minnesota because the state court matter is pending in such district pursuant to 28 U.S.C. § 1446(a).

PLAINTIFF’S CLAIMS

10. Plaintiff’s Complaint alleges that on December 23, 2019, Plaintiff Erling A. Hass was injured when he slipped on ice and snow conditions in the parking lot at the Speedway Station located at 4375 O’Day Avenue NE, St. Michael, Minnesota, 55376. (See Ex. A, ¶ 8.)

11. Plaintiff further alleges that Speedway and/or its employees were negligent in failing to inspect and maintain the property, as well as for their failure to detect and remove the hazardous condition, and that said negligence caused Plaintiff serious injury and pain and suffering, economic loss, non-economic loss, and damages, past and future. (See Ex. A, ¶¶ 9–10.)

I. JURISDICTION EXISTS UNDER 28 U.S.C. § 1332 (DIVERSITY JURISDICTION)

A. Complete diversity of citizenship exists between the parties.

12. Plaintiff is a citizen of Minnesota by operation of 28 U.S.C. § 1332(c)(2) because he was a resident of Minnesota at the time of the incident at issue in his Complaint. (Ex. A, ¶ 1.)

13. Defendant Northern Tier Retail d/b/a Speedway is an LLC whose citizenship for the purpose of diversity jurisdiction is the citizenship of each of its members.

14. Defendant Northern Tier Retail, LLC is wholly owned by SEI Speedway Holdings, LLC, a Delaware LLC. SEI Speedway Holdings, LLC is wholly owned by

7-Eleven, Inc. 7-Eleven, Inc., a Texas corporation, is wholly-owned by SEJ Asset Management & Investment Company, Inc. (“SAM”), a Delaware corporation. SAM is owned in part by Seven-Eleven Japan Co., Ltd. (“SEJ”), a Japanese corporation. SEJ is wholly-owned by Seven & i Holdings, Co., Ltd., a Japanese corporation, whose stock is publicly traded on the Tokyo Stock Exchange. SAM is also owned in part by Seven & i Holdings, Co., Ltd.

B. The amount in controversy exceeds the jurisdictional minimum of \$75,000.00 under 28 U.S.C. § 1332(a).

15. Plaintiff claims Speedway’s negligence caused him personal injuries. (See Ex. A, ¶¶ 8–10.)

16. Plaintiff claims he has suffered serious injury, pain and suffering, economic loss, non-economic loss, and other damages, past and future, in an amount exceeding \$50,000.00 (See Ex. A, ¶ 10.)

17. Pleading rules in Minnesota do not require a pleading to state a specific amount of damages where, as here, Plaintiff is seeking damages in an amount greater than \$50,000.00. *See* Minn. Stat. § 544.36. In fact, section 544.36 requires a pleading to state “recovery of reasonable damages in an amount greater than \$50,000.00.”

18. Furthermore, personal injury and premises liability claims against possessors of land can result in settlements or verdicts in excess of \$75,000.00. To wit, Plaintiff’s initial demand in this case exceeded \$75,000.00.

19. The Complaint and allegations of negligence contained therein plausibly demonstrate the amount-in-controversy to be in excess of \$75,000.00 on its face. *See Dart Cherokee Basin Operating Co., LLC v. Owens*, 574 U.S. 81, 87 (2014) (“when a defendant

seeks federal-court adjudication, the defendant's amount-in-controversy allegation should be accepted.")

20. This Court has diversity jurisdiction because there is complete diversity of citizenship and the amount in controversy exceeds \$75,000.00.

WHEREFORE, Defendant Northern Tier Retail, LLC d/b/a Speedway, removes this action from the Tenth Judicial District Court for the County of Wright, State of Minnesota, and requests any further relief, general or specific, at law or in equity, to which it may be justly entitled.

BASSFORD REMELE
A Professional Association

Date: June 10, 2022

By: /s/ Daniel R. Olson

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